

Exhibit 1

United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.
v. Dey, Inc., et al., Civil Action No. 05-11084-PBS

**Exhibit to the March 10, 2010 Declaration of Sarah L. Reid in Support of Dey
Defendants' Response to Plaintiffs' Motion Concerning The Use of Depositions**

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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In Re: PHARMACEUTICAL INDUSTRY : MDL No. 1456
AVERAGE WHOLESALE PRICE : Civil Action No.
LITIGATION : 01-12257-PBS

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THIS DOCUMENT RELATES TO: : VIDEOTAPED
United States of America, ex rel.: DEPOSITION OF
Ven-A-Care of the Florida Keys, : THE VIRGINIA
Inc. v. Abbott Laboratories, Inc.: DEPARTMENT OF
Civil Action No. 06-11337-PBS; : MEDICAL
and United States of America ex : ASSISTANCE
rel. Ven-A-Care of the Florida : SERVICES by
Keys, Inc., v. Dey, Inc., et al., : HOWARD BRYAN
Civil Action No. 05-11084-PBS; : TOMLINSON, II
and United States of America ex :
rel. Ven-A-Care of the Florida : NOVEMBER 3, 2008
Keys, Inc., v. Boehringer :
Ingelheim Corp., et al., Civil : RICHMOND,
Action No. 07-10248-PBS : VIRGINIA

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1 no question.

2 BY MR. REALE:

3 Q. I'm not asking you for the substance of
4 any conversations that you had with your
5 attorneys. I'm just asking you whether or not
6 you discussed with your attorneys the North
7 Carolina transcript?

8 A. Not discussed.

9 Q. Did an attorney for the federal
10 government --

11 A. May I correct one thing? I didn't
12 actually -- I didn't actually review it. I could
13 see it, but I didn't actually review the
14 document.

15 Q. Were any attorneys for the federal
16 government involved in your discussions about the
17 North Carolina transcript?

18 A. No.

19 Q. Prior to today, have you had any
20 conversations with any attorneys for the federal
21 government?

22 A. Yes.

1 Q. Regarding -- regarding this case?

2 A. Yes.

3 Q. When did you first have a conversation
4 with an attorney for the federal government about
5 this case?

6 A. I can't recall the exact date. But
7 there was only one conversation. Within the last
8 couple of months.

9 Q. Did that conversation concern the
10 testimony that you would be giving today?

11 A. Yes.

12 Q. Who was the attorney that you spoke to?

13 A. Laurie Oberembt.

14 Q. During that conversation, did Ms.
15 Oberembt discuss the types of questions that she
16 would ask you at today's deposition?

17 A. The types of questions?

18 Q. Yes.

19 MS. OBEREMBT: I'm going to object on
20 the basis of common interest privilege here
21 regarding our communications with the HE's office
22 and the witness.

1 BY MR. REALE:

2 Q. Okay, and I want to be clear that I'm
3 not asking for the substance of any questions
4 that were provided to you by counsel or vice
5 versa. I'm just asking whether or not you had a
6 discussion with Ms. Oberembt about the types of
7 questions she would be asking today; yes or no?

8 MS. OBEREMBT: But that's just things
9 in response to the conversation. I think you can
10 ask him if he had any discussions with us, but I
11 don't think you can ask him what the substance of
12 the conversations were.

13 MR. REALE: What is the basis for the
14 common interest privilege with a non-litigating
15 party?

16 MS. OBEREMBT: The state of Virginia
17 has not filed suit, but the state of Virginia
18 certainly is free to file suit. And that would
19 be the basis for the common interest privilege.

20 BY MR. REALE:

21 Q. Did you speak to Ms. Oberembt about the
22 testimony that you would give today?

1 MS. OBEREMBT: Objection. Again --

2 MS. GOBBLE: Objection.

3 MS. OBEREMBT: -- I would assert the
4 common interest privilege. You're asking about
5 the substance of his conversations. I think you
6 can ask if he had a conversation, but I don't
7 think you can ask what the topic was.

8 MR. REALE: So you're -- you're both
9 blocking me on asking questions regarding his
10 preparation with the attorney for the federal
11 government for his deposition today; is that fair
12 to say?

13 MS. OBEREMBT: I'm objecting. Only his
14 counsel can direct him not to answer.

15 MR. REALE: Are you directing him not
16 to answer?

17 MS. GOBBLE: I am directing him not to
18 answer.

19 BY MR. REALE:

20 Q. How long did your conversation with Ms.
21 Oberembt last?

22 A. Approximately, an hour or so.